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**IN THE
COURT OF APPEALS OF INDIANA**

SAUDIA JACKSON

Appellant-Defendant,

VS.

STATE OF INDIANA,

Appellee-Plaintiff.

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No. 49A02-0610-CR-957

APPEAL FROM THE MARION SUPERIOR COURT
The Honorable Carol Orbison, Judge
Cause No. 49G17-0607-FD-134802

June 22, 2007

MEMORANDUM DECISION - NOT FOR PUBLICATION

NAJAM, Judge

STATEMENT OF THE CASE

Saudia Jackson appeals her conviction for Battery Upon a Child Causing Injury, a Class D felony, following a bench trial. She presents a single issue for our review, namely, whether the State presented sufficient evidence to support her conviction.

We affirm.

FACTS AND PROCEDURAL HISTORY

On July 22, 2006, Jackson got into an altercation with her ex-boyfriend Kevin Logan at Logan's home in Indianapolis. Jackson and Logan have a daughter, S.L., who was eight years old at the time. Jackson called police to report that Logan had battered her. But after interviewing both Jackson and Logan at the scene, Indianapolis Police Department Officer Michael Phillips declined to arrest Logan. Officer Phillips informed Jackson about his decision, and Jackson became irate.

Jackson was standing near her car, with the car door ajar, while she was yelling at Officer Phillips. Officer Jack Tindall was also on the scene, and he was standing about eight feet away from Jackson during her tirade. At some point, Jackson grabbed S.L., who was sitting in the back seat of Jackson's car at the time, and began to "pull" her out of the car. Transcript at 9. But before she emerged from the back seat, and as Jackson was pulling on her arm, S.L. struck her head against the door jamb of the car. S.L. immediately cried out in pain. Officers Phillips and Tindall arrested Jackson for battery upon S.L. and disorderly conduct.¹

¹ The State filed charges on six counts, but ultimately moved to dismiss all but the counts for battery upon S.L. and disorderly conduct. Jackson does not appeal her conviction for disorderly conduct.

Following a bench trial, the trial court entered judgment of conviction on both charges and sentenced Jackson to a total term of eighteen months, with all suspended but ten days. This appeal ensued.

DISCUSSION AND DECISION

In reviewing a sufficiency of the evidence claim, we do not reweigh the evidence or assess the credibility of witnesses. Ferrell v. State, 746 N.E.2d 48, 50 (Ind. 2001). Rather, we look to the evidence and reasonable inferences drawn therefrom that support the judgment and will affirm the conviction if there is probative evidence from which a reasonable trier of fact could have found the defendant guilty beyond a reasonable doubt. Id.

To prove battery upon a child causing injury, a Class D felony, the State was required to show that Jackson knowingly touched S.L., who was less than fourteen years old, in a rude, insolent, or angry manner resulting in bodily injury to S.L. See Ind. Code § 35-42-2-1. Here, the State presented the testimony of Officers Phillips and Tindall, who both witnessed S.L.'s head strike the door jamb as Jackson was pulling her out of the back seat of the car. Officer Phillips testified that Jackson's demeanor at that time was "[a]ggressive," "[h]ostile," and "[a]ngry." Transcript at 9. S.L. was eight years old at the time, and she demonstrated obvious physical pain as a result of striking her head. The evidence is sufficient to show that Jackson committed battery against S.L.

Still, Jackson contends that in light of her testimony and the testimony given by her witnesses, namely S.L. and Jackson's nine-year-old nephew, D.J., the officers' testimony is incredibly dubious. Jackson, S.L., and D.J. testified that D.J. was also sitting

inside the car at the time and that he accidentally pulled a lever which caused the car seat to strike S.L. in the head. In essence, Jackson asks this court to believe those witnesses over the police officers. Specifically, Jackson states:

In the final analysis, it is clear that someone accidentally pulled the seat folder lever and this was what made contact with [S.L.], not her mother pulling her out and onto the door jamb. Inasmuch, Ms. Jackson submits that the testimony of the police officers is incredibly dubious or leaves this Court with the firm conviction that a mistake has been made. The trial court erred in finding Ms. Jackson guilty of battery of her minor child [S.L.]. It simply could not have happened as the police officers testified, and the only logical explanation of any fact or inference is that in the haste of the moment, the seat lever was pulled and the seat struck [S.L.], not Ms. Jackson.

Brief of Appellant at 17.

But Jackson's argument fails for at least two reasons. First, both officers testified unequivocally that no one was inside the car at the time other than S.L. Second, both officers testified that S.L. struck her head on the door jamb, not the car seat. Jackson's argument amounts to a request that we reweigh the evidence, which we will not do.

Finally, Jackson asserts that the State did not prove that she had the requisite intent to harm S.L. Intent is a mental state, and absent an admission, the trier of fact must resort to the reasonable inferences based upon an examination of the surrounding circumstances to determine whether, from the person's conduct and the natural consequences that might be expected from that conduct, there exists a showing or inference of the required criminal intent. Germaine v. State, 718 N.E.2d 1125, 1132 (Ind. Ct. App. 1999), trans. denied. The trier of fact may draw reasonable inferences from both direct and circumstantial evidence, and a conviction may be based on circumstantial evidence alone.

Id. It is well-established that the trier of fact can infer the defendant's knowledge from circumstantial evidence. Id.

Here, again, Officer Phillips testified that Jackson's demeanor was "[a]ggressive," "[h]ostile," and "[a]ngry" at the time that she pulled S.L. out of the car, causing S.L.'s head to strike the door jamb. Transcript at 9. That evidence, without more, supports a reasonable inference that Jackson knowingly battered S.L. The State presented sufficient evidence to support Jackson's conviction.

Affirmed.

RILEY, J., and BARNES, J., concur.